

# Daily Digest

## HIGHLIGHTS

House committees ordered reported 15 sundry measures.

## Senate

### Chamber Action

*Routine Proceedings, pages S6515–S6595*

**Measures Introduced:** Two bills were introduced, as follows: S. 2716–2717. **Page S6573**

**Measures Passed:**

**Firefighter Deaths Investigation:** Senate passed H.R. 3971, to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover, clearing the measure for the President. **Pages S6592–93**

**Honoring Louisiana State University Track and Field Team:** Committee on the Judiciary was discharged from further consideration of S. Res. 298, honoring the Louisiana State University Tigers Men's Outdoor Track and Field Team, and the resolution was then agreed to. **Page S6593**

**National Night Out:** Senate agreed to S. Res. 284, expressing support for "National Night Out" and requesting that the President make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration. **Page S6593**

**Sudden Oak Death Syndrome Control Act:** Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of S. 997, to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to establish a Sudden Oak Death Syndrome Advisory Committee, and the bill was then passed. **Pages S6593–94**

**Accounting Reform Act:** Senate continued consideration of S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence

of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, taking action on the following amendments proposed thereto: **Pages S6524–60**

**Adopted:**

By a unanimous vote of 97 yeas (Vote No. 169), Daschle (for Leahy) Amendment No. 4185, to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities. **Pages S6538–41**

By a unanimous vote of 96 yeas (Vote No. 170), Daschle (for Biden/Hatch) Further Modified Amendment No. 4186, to increase criminal penalties relating to conspiracy, mail fraud, wire fraud, and certain ERISA violations. **Pages S6541–42, S6544, S6548, S6551**

By a unanimous vote of 97 yeas (Vote No. 171), Lott Amendment No. 4188, to deter fraud and abuse by corporate executives. **Page S6542–43, S6545, S6549–51**

Miller Amendment No. 4206, to express the sense of the Senate that the chief executive officer of a corporation should sign the corporation's income tax returns. **Page S6557**

**Rejected:**

Gramm (for McConnell) Amendment No. 4175 (to Amendment No. 4174), to provide for certification of financial reports by labor organizations to improve quality and transparency in financial reporting and independent audits and accounting services for labor organizations. (By 55 yeas to 43 nays (Vote No. 168), Senate tabled the amendment.) **Pages S6524, S6526–28, S6533–34**

**Withdrawn:**

Miller Amendment 4176, to amend the Internal Revenue Code of 1986 to require the signing of corporate tax returns by the chief executive officer of the corporation. **Pages S6524, S6538**

Daschle (for Leahy) Amendment No. 4174, to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities. (Amendment was divided into Divisions I, II, and III.)

**Pages S6524, S6528–33, S6534–38**

Gramm Amendment No. 4189 (to Amendment No. 4188), of a perfecting nature.

**Pages S6543, S6548**

Daschle (for Biden) Modified Amendment No. 4190 (to Amendment No. 4186, as modified), of a perfecting nature.

**Pages S6544–45, S6546–48**

Pending:

Edwards Modified Amendment No. 4187, to address rules of professional responsibility for attorneys.

**Pages S6551–52, S6557–59**

Gramm (for McConnell) Amendment No. 4200 (to Amendment No. 4187), to modify attorney practices relating to clients.

**Pages S6552–57**

A unanimous-consent agreement was reached providing for the consideration of certain amendments listed as follows: Levin Amendment, Gramm Amendment, Carnahan Amendment regarding electronic filing, McCain Amendment regarding accounting treatment/stock options, Dorgan Amendment regarding bankruptcy/disgorgement, Enzi Amendment regarding materiality, Schumer Amendment regarding restitution, and Murkowski Amendment regarding 9th Circuit.

**Page S6554**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 10:30 a.m., on Thursday, July 11, 2002, and that at 12 noon, Senator Enzi be recognized to make a motion to table Gramm (for McConnell) Amendment No. 4200 (to Amendment No. 4187), listed above.

**Page S6558**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, July 12, 2002.

**Page S6559**

During consideration of this measure today, Senate also took the following action:

Gramm/Santorum Amendment No. 4184 (to Division I of Amendment No. 4174), to provide the Board with appropriate flexibility in applying non-audit services restrictions to small businesses, fell when Division I of Amendment No. 4174 was withdrawn.

**Page S6538**

**Executive Session:** Senate agreed to the motion to proceed to Executive Session.

**Page S6592**

**Nomination—Cloture Motion Filed:** A motion was entered to close further debate on the nomination of Lavenski R. Smith, of Arkansas, to be United States Circuit Judge for the Eighth Circuit and, in accordance with the provisions of Rule XXII of the

Standing Rules of the Senate, a cloture vote on the nomination will occur on Friday, July 12, 2002.

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**Nominations Received:** Senate received the following nominations:

Jonathan Steven Adelstein, of South Dakota, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2003.

Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring May 26, 2007.

Malcolm B. Bowekaty, of New Mexico, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2006.

Herbert Guenther, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term of two years. (New Position)

Richard Narcia, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring August 25, 2006.

Bradley Udall, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2006.

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**Nominations Withdrawn:** Senate received notification of withdrawal of the following nominations:

Stuart D. Rick, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2007, which was sent to the Senate on April 9, 2002.

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**Messages From the House:**

**Page S6570**

**Measures Read First Time:**

**Page S6570**

**Executive Communications:**

**Pages S6570–73**

**Additional Cosponsors:**

**Pages S6573–75**

**Statements on Introduced Bills/Resolutions:**

**Page S6575**

**Additional Statements:**

**Pages S6569–70**

**Amendments Submitted:**

**Pages S6575–90**

**Notices of Hearings/Meetings:**

**Pages S6590–91**

**Authority for Committees to Meet:**

**Pages S6591–92**

**Privilege of the Floor:**

**Page S6592**

**Record Votes:** Four record votes were taken today. (Total—171) **Pages S6534, S6541, S6551**

**Recess:** Senate met at 9:30 a.m., and recessed at 8:02 p.m., until 9:30 a.m., on Thursday, July 11, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6594).

## Committee Meetings

(Committees not listed did not meet)

### COMMODITY FUTURES TRADING COMMISSION

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded hearings to examine the Commodity Futures Trading Commission, focusing on authority to insure market transparency, prevention and punishment of fraud and manipulation, and restoration of confidence in markets, after receiving testimony from Senator Feinstein; James E. Newsome, Chairman, and Thomas J. Erikson, Commissioner, both of the Commodity Futures Trading Commission; Randall Dodd, Derivatives Study Center, and Neal L. Wolkoff, New York Mercantile Exchange, both of Washington, D.C.; John C. Coffee, Jr., Columbia University School of Law, and Ernest T. Patrikis, International Swaps and Derivatives Association, Inc, both of New York, New York; and Richard C. Green, Jr., Aquila, Inc., Kansas City, Missouri.

### RAILROAD SAFETY

*Committee on Commerce, Science, and Transportation:* Subcommittee on Surface Transportation and Merchant Marine concluded hearings to examine railway safety, focusing on positive train control, track safety, and grade crossing safety, after receiving testimony from Marion C. Blakey, Chairman, National Transportation Safety Board; Allan Rutter, Administrator, Federal Railroad Administration, Department of Transportation; David L. Gunn, President and CEO, National Railroad Passenger Corporation (Amtrak); and Edward R. Hamberger, Association of American Railroads, and Don M. Hahs, Brotherhood of Locomotive Engineers, both of Washington, D.C.

### HOMELAND SECURITY

*Committee on Energy and Natural Resources:* Committee concluded hearings to examine the present and future roles of the Department of Energy/National Security Administration national laboratories in protecting U.S. homeland security, focusing on technical expertise, capabilities, and facilities, and the implementation of a national biodefense initiative, after receiving testimony from Linton F. Brooks,

Acting Administrator, National Nuclear Security Administration, Raymond Orbach, Director, Office of Science, C. Paul Robinson, Director, Sandia National Laboratories, Harvey Drucker, Associate Director, Argonne National Laboratory, Michael R. Anastasio, Director, Lawrence Livermore National Laboratory, Don Cobb, Associate Director, Threat Reduction, Los Alamos National Laboratory, all of the Department of Energy; Billy D. Shipp, Idaho National Engineering and Environmental Laboratory, Idaho Falls; and William Happer, Princeton University Research Board, Princeton, New Jersey, on behalf of the National Academies Panel on Nuclear and Radiological Issues.

### WATER RESOURCE MANAGEMENT

*Committee on Energy and Natural Resources:* Subcommittee on Water and Power concluded oversight hearings to examine water resource management issues on the Missouri River, focusing on the Master Water Control Manual and concerns of fish, navigation, flood control, and agriculture, after receiving testimony from Senators Daschle, Bond, Carnahan, and Johnson; Brig. Gen. David A. Fastabend, USA, Commander, Northwestern Division, U.S. Army Corps of Engineers, Department of Defense; Bill Hawks, Under Secretary of Agriculture for Marketing and Regulatory Programs; David P. Smith, Deputy Assistant Secretary for Fish, Wildlife, and Parks, and Margaret Sibley, Director, Office of Policy, Bureau of Reclamation, both of the Department of the Interior; Dale L. Frink, North Dakota State Water Commission, Bismark; Douglas Hofer, South Dakota Department of Game, Fish, and Parks, Pierre; Michael Wells, Missouri Department of Natural Resources, Jefferson City; and Tex G. Hall, Three Affiliated Tribes, (Mandan, Hidatsa, and Arikara Nations), New Town, North Dakota.

### HOMELAND SECURITY

*Committee on Environment and Public Works:* Committee concluded hearings to examine the President's proposal to establish the Department of Homeland Security, after receiving testimony from Tom Ridge, Director, Office of Management and Budget Transition Team.

### BUSINESS MEETING

*Committee on Health, Education, Labor, and Pensions:* Committee ordered favorably reported S. 710, to require coverage for colorectal cancer screenings, with an amendment in the nature of a substitute.

### BUSINESS MEETING

*Committee on Indian Affairs:* Committee ordered favorably reported S. 210, to authorize the integration and consolidation of alcohol and substance abuse